

15. Written Program 3CCR § 6724(a)

Scope: Employers of handlers of any pesticide.

Check “N/A” for this requirement if all handlers are certified applicators.

Evaluate the employer’s training program, the materials (such as labeling study guides, pamphlets, slides and PSIS) and information provided and used to train employees, and identify the person or firm that provides the training. An individual’s training record does not constitute a written training program. Verify that the written program appropriately addresses all required topics.

Exemptions:

- Consumer products see 3CCR § 6720(e).
- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR § 6720(c).
- PCAs do not require handler training and therefore a written program is not required. (guidance)

16. Handler Training 3CCR § 6724

Scope: Employees who handle any pesticide.

Check “YES” for this requirement if all handlers are certified applicators.

Ask the employer how newly hired handlers are trained. Employers must train employees before they handle pesticides, update the training to cover new pesticides and repeat training at least annually (12-month period) thereafter. Initial training may be waived if employees submit a record showing that training meeting the requirements of this regulation and covering the pesticides and use situations applicable to the new employment situation was received within the last year. Compare the date of application on the pesticide use records, including use records required under 3CCR § 6728 (Medical Supervision) with the date of initial and annual training on the employee training records. Take note of any discrepancies between the dates.

Based on the response to questions asked of the employer and employees and a review of the training program and individual training records, verify that the employer addressed all of the required topics sufficiently. Documentation of training does not necessarily mean an employer has properly trained his or her employees. Was the training adequate? The training must be pesticide specific, unless the subject matter of training covers a chemically similar group of pesticides. [3CCR § 6724(b)]

Based on the responses to questions asked of the employer and employees, determine if the training is provided in a language and manner the employees understand and that pesticide labeling is available at use sites. Employers must record the date of training and the job assigned to the employee. Records must be kept for two years in a central workplace location accessible to employees.

Are there completed, signed and dated training records for all employees who handle pesticides? The employee must sign the training record. Are the training records current? Compare training records to pesticide use records to assure each employee has received training on each pesticide or chemically similar group of pesticides used.

Exemptions:

- Consumer products see 3CCR § 6720(e).
- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR § 6720(c).
- PCAs do not require handler training. (guidance)

17. Hazard Communication for Fieldworkers 3CCR § 6761

Scope: Employers of fieldworkers in fields treated with any pesticide.

Verify that a completed PSIS A-9 is displayed at the worksite. If employees begin their workday at a central location, the PSIS A-9 may be displayed at that location instead of at the work site. Is the PSIS A-9 displayed in a language the workers understand?

Verify that the property operator maintains in a central location at the workplace, accessible to employees, including employees of farm labor contractors, who enter a treated field, the following:

- Pesticide use records for pesticides that have been applied to fields within the last two years
- MSDS for each pesticide listed in the pesticide use records

Verify that employers inform employees where the above records are kept, and that they grant employees access to the records in a timely manner (not longer than 48 hours from the date of request by an employee or their representative). Determine how the operator of the property informs farm labor contractors where the application specific information display is located in order that the FLC can complete the PSIS A-9.

Exemption: Consumer products see 3CCR § 6720(e).

18. Application Specific Information for Fieldworkers 3CCR § 6761.1

Scope: For all pesticides.

- The operator of the property used for the commercial or research production of an agricultural commodity when fieldworkers (including contractor employees) will be working within ¼ mile of any treated field must provide an application specific information display (ASID). The ASID must remain displayed while there are treated fields and fieldworkers on the property
- The employer of fieldworkers in a treated field must provide a description of the location of the ASID at the worksite (in conjunction with the PSIS A-9) or at a central location where all fieldworkers gather before entering a field.

Verify that the application specific information is displayed appropriately. Ask fieldworker employees if they know where the display is located. Do they have access?

Determine if the property operator's fieldworker employees gather at a central location before entering any treated field. Ask the property operator how they describe the location of the ASID at the worksite (or at the central location if all fieldworker employees gather at a central location before entering any treated field). Is the description adequate for fieldworkers to find the ASID without any other direction or assistance?

When evaluating the application specific information display, determine if the information is:

Displayed – The information should be available to fieldworkers to review with unimpeded access. It can be posted, in a binder, in a file cabinet or available in another manner. It must be made available in a place normally frequented by workers. The information is not displayed if workers must ask someone to see it. See 3CCR § 6000.

Complete – The display must contain:

- Identification of the treated area.
- Application time and date.
- Restricted entry interval.
- Product name and active ingredient.
- EPA registration number.

Timely – The information must be displayed within 24 hours of the completion of the application and remain displayed until the area is no longer a treated field or no fieldworkers will be working on the agricultural establishment.

Much of the information required can be made available using a cross-index. For example: The grower posts the field location, the date and time of the application and the pesticide name. The REI, active ingredient and EPA registration number are displayed in a separate index keyed by the pesticide name. Or the grower displays the field location, the date and time of the application and the pesticide name and displays copies of the labeling nearby which allow workers to determine the REI, active ingredient and EPA registration number.

Review PURs AND NOIs, interview the employer and employees, and use your knowledge from use monitoring or fieldworker safety inspections performed to determine which pesticides have been used in which fields. Compare this information to the information displayed. Is the display complete and accurate?

When a violation is found, use documents and employer/employee statements to establish that fieldworkers have worked within ¼ mile of the subject field(s).

Exemption: Consumer products see 3CCR § 6720(e).

19. Fieldworker Training 3CCR § 6764

Scope: Employers of fieldworkers working in fields treated with any pesticide.

Certified private or commercial applicators are considered trained. Employees with current documented pesticide handler training, or employees with other valid certificates of pesticide

training approved by the Director are considered trained. Fieldworkers with valid verification of training card issued under U.S. EPA authority are considered trained. Check “YES” for this requirement if all fieldworkers meet these requirements.

Verify that fieldworkers are trained prior to entering a treated field and at least every five years. Ask fieldworkers when and where they were trained. Do they recall the content of the training or who provided the training? Verify the trainer meets one of the seven qualifications listed in regulation. Determine that the training includes all the topics listed in regulation.

Exemptions:

- Granular baits, attractants, or repellants in traps applied in a field. (3CCR § 6760)
- Algaecides used to treat the irrigation system. (3CCR § 6760)
- Pesticides injected into plants. (3CCR § 6760)
- Applications by vector control agencies. (3CCR § 6760)
- Consumer products see 3CCR § 6720(e).

Respiratory Protection Program

20. Written Program 3CCR § 6739(a)

Scope: Employers of persons wearing respirators when required by any pesticide labeling, restricted material permit condition, regulation or the employer. Employers of employees that voluntarily use respirators supplied by the employer.

Identify the respirator program administrator. Is he/she qualified? Can the administrator answer your questions about the program? (See 3CCR § 6000, definition of respirator program administrator).

Review the employer’s written respiratory protection program. Does it contain written operating procedures for selecting, fitting, cleaning, sanitizing, inspecting and maintaining respiratory protective equipment? Each person required to wear a respirator must be trained in the need, use, care and limitations of the equipment. Verify that the respirators and cartridges used are the types required by labeling, permit or regulation.

The employer is required to consult with each employee annually and determine if the employee has had any problems related to the use of a respirator. If there are any negative findings the employer must revise the written respiratory protection program to address them. Ask the employer when they consulted with the employees, if the consultation uncovered any problems and, if so, what revisions were made to the written procedures. The employer must maintain the current version of the written respiratory protection program. All previous versions of the document must be retained for three years subsequent to it being amended.

Ask the employees how they were fit tested and if they have had any problems with the use of respirators. Ask the employer how he/she conducts evaluations to ensure compliance with the respirator program. Verify that the type of respirator and cartridge are appropriate for the pesticides handled.